



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

May 29, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
UT Dept. of Environmental Quality
P.O. Box 144830
Salt Lake City, UT 84114-4830

NOTICE OF VIOLATION

Docket No. **SDWA-08-2003-0013**

Re: Billy Bethers Water Supply
POB 434
Heber, UT 84032
PWS #UT4900136

Dear Mr. Brown:

The above-referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 CFR part 141. The violations consist of failure to monitor for bacteriological quality, nitrates, inorganic chemicals, pesticides, volatile organic chemicals, radionuclides and lead and copper; failure to prepare and deliver a consumer confidence report; exceeding the bacteriological maximum contaminant level (MCL); failure to submit a bacteriological sample siting plan; failure to provide public notice of the violations; and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kathelene Brainich at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

2001

Failure to provide public notice of violations

04/98 - 04/03

Failure to report violations to the State

02/02, 06/99, 05/99 Bacteriological MCL

03/03, 02/03, 01/03 Failure to monitor for bacteriological
12/02, 11/02, 10/02 quality
09/02, 07/02, 06/02
05/02, 04/02, 03/02
12/01, 10/01, 09/01
08/01, 07/01, 10/00
07/00, 06/00, 11/99
09/99, 09/98

02/02, 01/02, 02/01 Failure to take 4 repeat samples after a
positive total coliform sample

2000, 2001, 2002 Failure to monitor for nitrate

2000, 2001, 2002 Failure to monitor for radionuclides

1998, 1999, 2000 Failure to monitor for volatile organic
2001, 2002 chemicals

all quarters from Failure to monitor for pesticides
2nd quarter 1998 to
1st quarter 2003

2002 Failure to monitor for inorganic chemicals

2002 Failure to prepare and distribute consumer
confidence report

2000, 1999 Failure to monitor for lead and copper

1998 Failure to submit a bacteriological sample
siting plan

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of

this system. You may wish to confer with our staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kathelene Brainich.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time as an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure (SBREFA)

cc: Anita Bethers, Billy Bethers Water Supply
Ken Bousfield, UT DEQ DW

**IF YOU WOULD LIKE COPIES OF THE ENCLOSURES PLEASE CONTACT THE
REGIONAL HEARING CLERK'S OFFICE.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JUNE 2, 2003.